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June 7, 2023

Via ECF and Email

Hon. Judge Hector Gonzalez
United States District Court
Eastern District of New York
225 Cadman Plaza East
Courtroom 6A South
Brooklyn, NY 11201-1804

Re: Plaintiffs Letter Motion in Opposition to Defendants Extension Request
21-cv-7163 (HG) (RLM) *Stidhum v. Hillside Auto Ave, LLC, et al*

Your Honor,

We represent the Plaintiff in the above referenced matter. We write respectfully and in opposition to Defendant's request for an extension of time to submit pre-motion conference letters for their anticipated Motion to Dismiss. Plaintiff's position is that defendants should not be granted such request on the grounds that they have delayed this case and such granting of the three-week extension would further delay the case for no apparent reason.

As the court is aware, discovery in the matter has closed on May 4, 2023, when the court informed the parties that discovery is closed, and defendants shall produce all outstanding discovery. *See* Dkt. No. 68. Now on June 6, 2023, a month later, defendants are requesting for an extension of time since the parties are still disclosing discovery, but this should be looked at closely. Defendants have continued to delay the process of disclosing all the information that they have to plaintiffs and as a result, the defendants have to request an extension of time. The problem is that defendants should have disclosed the information that plaintiff is still requesting already, and defendants have no true reason as to why the documents that plaintiff have been requesting for some time still have not been provided.

The parties had a meet and confer on May 5, 2023, where plaintiffs once again asked the defendants to provide all the documents pertaining to plaintiffs discovery request. All defendants could state is that they are looking for documents and there are a lot of documents to look through to get the documents plaintiff request. By this point though, plaintiff does not believe defendants for the mere reason that they have been looking for the same document's plaintiff request for some time now and they still have not provided all of them. At this point plaintiff is looking to file a Motion for Sanctions for it is clear from the interactions that plaintiff have had that the defendants have discarded the evidence that plaintiff is looking for and have acted in bad faith throughout the discovery period by requesting so many extensions and providing nothing. Now defendants request for additional time to for the parties are working out some final discovery issues but this is purely because defendants have time and time again failed to provide all the documents they should have.

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Further, the parties are only working out these issues because defendants have delayed in providing the documents, they should have to plaintiffs' counsel.

Even if this can be considered a request for an "extension," Defendants failed to comply with the Individual Practices. I(D)(2)(d) clearly requires Defendants to include "whether the adversary consents, and, if not, the reasons by the applicant, and by the adversary, for and against the relief requested." Defendants did not include such information in their request, and instead stated that "Plaintiff did not respond to our request for consent despite an email and a phone call earlier today." Dkt. 70. Defendants' explanation fails because Plaintiffs were not given adequate opportunity to respond; Defendants sent the email asking for consent on June 6, 2023, 10:48 AM, and filed their request on the same day. Lastly, by Defendants' own admission, their request violated I(D)(1) of the individual practices. Dkt. 70.

For the reasons stated above, plaintiffs respectfully request for this court to deny defendants request for extension of time to file their pre motion letter for their anticipated Motion to Dismiss.

We thank the court for their time and consideration in the matter.

Respectfully submitted,

Troy Law PLLC

/s/ John Troy

John Troy

Attorney for Plaintiffs,

cc: via ECF

all counsel of record

JT/cw